

Exhibit and Witness List

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

JAMES CLEAVENGER,

Case No. 6:13-1908-DOC

Plaintiff,

EXHIBIT AND WITNESS LIST

v.

UNIVERSITY OF OREGON, et al.,

Defendants,

Date(s) of Hearing/Trial	9/8/2015 -
Court Reporter(s)	Jill Jessup
Deputy Clerk(s)	Christy Weller

Attorneys for Plaintiff	Attorney for Defendants
Greg Kafoury, Jason Kafoury, Mark McDougal	Andrea Coit, Jonathan Hood

Ptf			Def			Date	WITNESS / EXHIBIT DESCRIP	Called by
Ex. No.	ID	Ev	Ex. No.	ID	Ev			
-----	---	---	-----	---	---	9/8/2015	AMANDA HAYLES	P
-----	--	--	-----	--	--	-----	ELIZABETH NIX	P
140	x	R					Letter of support for Cleavenger lawsuit signed by NIX	
-----	---	---	-----	---	---	9/9/2015	THOMAS ZACHARY HERMENS	P
174	x	R					Map of Spencer View apartment area	
9	x	R	307				Dash cam video - Cleavenger (4/1/2012) Spencer View Apartment	
130	x	R					Radio traffic from 9/10/12 - knife incident	
128	x	R					Zach Hermens' video from 9/10/12 knife incident	
29	x	R					Case Report 12-448 (2/24/12) Hermens & Phillips at SV	
10	x	R					Audio Recording of Radio Traffic from Spencer View on 4/1/12	
233	x	R					Audio Recording of radio traffic from 5/6/12	

EXHIBIT AND WITNESS LIST
(Continued)

pg. 2

Case No. 6:13-1908-DOC

Title: Cleavenger v. U of O, et al.

Govt / Ptf			Def			Date	WITNESS / EXHIBIT DESCRIP	Called by
Ex. No.	ID	Ev	Ex. No.	ID	Ev			
-----	---	---	-----	---	--	9/9/2015	ROYCE MYERS	P
208	x	N					10/5/12 email to Smith by Cleavenger with Royce Myers' 8/22/12 written statement	
253	x	R					Internet search history of Myers	
-----	---	--	-----	---	---	-----	ROBERT KENT ABBOTT	P
261							Interview of Kent Abbott by Donna Laue on 8/9/12	
-----	---	---	-----	---	--	-----	SEAN BRATHWAITE	P
-----	---	---	-----	---	--	-----	LARRY BLACK	P
-----	--	---	-----	--	--	-----	JARED DAVIS	P
-----	--	--	-----	---	--	-----	CHRIS WAGGONER	P
356		N					Call out transcript	
✓ 353	x	R					Audio of call out	
-----	--	--	-----	--	--	-----	ERIC LEROY	P
159	x	R					Bowl of Dicks List	
-----	---	--	-----	---	---	9/10/2015	CASEY BOYD	P
262	x	R					Email from Bill Anderson, from Lt. Lebrecht	
119	x	R					Casey Boyd Rebuttal letter 6/28/12	
120	x	R					Letter of trespass issued to Marc Boyd	
			409	x	R		Letter of reprimand from McDermed to Boyd	
-----	--	--	-----	--	--	-----	DANIEL MARTIN PEARCE - BY VIDEO	P
-----	---	--	-----	--	--	-----	JOHN AHLEN - BY VIDEO	P
-----	--	--	-----	--	--	-----	ANDREW BECHDOLT	P
90	x	R					End of phase training report 3 (7/4/11)	

EXHIBIT AND WITNESS LIST
(Continued)

pg. 3

Case No. 6:13-1908-DOC

Title: Cleavenger v. U of O, et al.

Govt / Ptf			Def			Date	WITNESS / EXHIBIT DESCRIP	Called by
Ex. No.	ID	Ev	Ex. No.	ID	Ev			
91	x	R					End of phase training report 5 (8/22/11)	
-----	--	--	-----	--	--	9/10/15	TIMOTHY RANGER	P
-----	---	--	-----	--	--	-----	COREY MERTZ	P
172	x	R					Response ltr and attached exhibits sent by Mertz, et al. Re: Brady list allegations. (8/13/2014)	
150	x	R					Brady Submission re: Cleavenger	
93	x	R					JCPD Letter of support and recommendation	
-----	--	--	-----	--	--	-----	KENNETH EDWARD JACKSON	P
-----	--	--	-----	--	--	-----	ERIC MARKELL	P
-----	--	--	-----	---	--	-----	BRANDON NICOL	P
-----	--	--	-----	---	--	-----	MICHAEL CLEAVENGER	P
-----	--	--	-----	--	--	9/11/2015	LARRY LARSON	P
244	x	R					Coburg PD Chief Larry Larson Brady reply email to DA re: Cleavenger's Brady issue	
-----	--	--	-----	--	--	-----	BRIAN PATERSON	P
-----	---	--	-----	--	--	-----	SCOTT CAMERON	P
4	x	R					Annual Performance evaluation 1 st draft (5/31/12)	
5	x	R					Annual Performance evaluation 2 nd draft (7/1/12)	
6	x	R					Annual Performance evaluation 3 rd /final draft (8/3/12)	
166	x	R					Rough Draft version of Cleavenger's annual performance eval and email from Cameron dated 4/1/12	
-----	--	--	-----	--	--	-----	BRANDON LEBRECHT	P
168	x	R					Email (3/10/14) from McDermed re: arbitration decision	
158	x	R					UOPD Policy #612 Brady List Disclosure	
178	x	R					Arbitration decision of Rich Ahearn, dated 2/24/14	

EXHIBIT AND WITNESS LIST
(Continued)

pg. 4

Case No. 6:13-1908-DOC

Title: Cleavenger v. U of O, et al.

Govt / Ptf			Def			Date	WITNESS / EXHIBIT DESCRIP	Called by
Ex. No.	ID	Ev	Ex. No.	ID	Ev			
31	x	R					Cleavenger's "Weekly Evaluation Summaries" by Lebrecht, 11/18/11 - 12/17/12	
175	x	R				9/11/2015	1/6/15 email from Bill Anderson to Lebrecht re: computer being "replaced" and "wiped"	
169	x	R					9/13/12 Draft Re-Training Program memo and email by Lebrecht	
-----	--	--	-----	---	--	-----	CAROLYN McDERMED	P
168	x	R					3/10/14 email from McDermid	
215	x	R					3/5/12 email from DA Gardner to McDermid	
170	x	R					6/30/14 Letter to DA Gardner from McDermid re: Brady List	
173	x	R					7/28/14 from McDermid to Gardner	
171	x	R					7/7/14 Letter from DA Gardner to McDermid re: Brady List	
230	x	R					Email chain dated 7/11/14 regarding Brady documents	
-----	--	--	-----	--	--	9/14/2015	JAMES CLEAVENGER	P
161	x	R					2/28/11 email from Cleavenger to Morrow re: cricketer team English accent	
267	x	R					Cleavenger resume 2010	
83	x	R					Cleavenger TPO monthly report 12/10	
108	x	R					Email from Morrow to Cleavenger 8/11	
263	x	R					Photograph of Cleavenger skiing	
235	x	R					Newspaper articles	
31	x	R					Weekly evaluations by Lebrecht of Cleavenger	
10	x	R					Audio recording of Radio Traffic from SV on 4/1/12	
257	x	R					Photo from Exh #25 (8 pictures)	
258	x	R					Clean copies of pictures from Ex #25 (8 pictures)	
265	x	R					Photo (1 picture)	

EXHIBIT AND WITNESS LIST
(Continued)

pg. 5

Case No. 6:13-1908-DOC

Title: Cleavenger v. U of O, et al.

Govt / Ptf			Def			Date	WITNESS / EXHIBIT DESCRIP	Called by
Ex. No.	ID	Ev	Ex. No.	ID	Ev			
30	x	R					Case report by Leroy 4/16/12	
129	x	R				9/14/2015	Video of stop of Dean of law school	
246	x	R					Pictures of parking lot #16 (9 photos)	
63	x	R					Photocopy of FI card	
			337	x			Video of traffic stop of student 4/2/2012	
191	x	R					Transcript of exhibit #337	
48	x	R					List of case numbers of traffic stops/citations (appeals)	
49	x	R					Traffic Stop documents and Information in DPS Policy	
150	x	R					Brady v. Maryland Disqualifier Review memo	
38	x	R					Puma Audio Recorders Policy	
268	x	R					Department Policy 446 for dash cams	
51	x	R					CAD activities for 3/9/12	
52	x	R					CAD activities for 4/23/12	
144	x	R					Memo to McDermid from Hanson re: Puma training (2009)	
270	x	R					Map of Eugene	
233	x	R					Audio of dispatch re: loaded gun on 5/6/2012	
234	x	R					CAD report from 5/6/2012	
1	x	R					Letter of Reprimand by Cameron (5/18/12)	
2	x	R					Temporary reassignment and investigation letter by McDermid & Lebrecht (5/18/12)	
223	x	R					CAD Report 5/18/2012 - 9/18/2012	
33	x	R					Statistics compiled by Cleavenger	
58	x	R					Emails dated 9/10/12 outlining Cleavenger's Response to Wardlow	

EXHIBIT AND WITNESS LIST
(Continued)

pg. 6

Case No. 6:13-1908-DOC

Title: Cleavenger v. U of O, et al.

Govt / Ptf			Def			Date	WITNESS / EXHIBIT DESCRIP	Called by
Ex. No.	ID	Ev	Ex. No.	ID	Ev			
79	x	R					Letter dated 9/25/12 re: 3 new allegations	
57	x	R				9/14/2015	Emails regarding new duties imposed on 9/7/12	
155	x	R					7/23/14 email from Coit confirming terms of settlement agreement.	
211	x	R					Emails from Coit on 7/24/14 and 7/25/14 announcing UOPD's Brady List disclosure to Lane County DA on 6/17/14.	
230	x	N					Email dated 7/11/2014, regarding Brady documents	
212	x	R					Email from Gardner to Cleavenger between 7/29/14 and 8/25/14	
-----	--	--	-----	--	--	9/15/2015	MICHAEL RICHARD DRAKE	P
90	x	R					End of phase report for Cleavenger	
91	x	R					End of phase report for Cleavenger	
204	x						Drake annual evaluation	
-----	---	---	-----	---	--	-----	<u>PLAINTIFF'S EXHIBITS STIPULATED TO ADMISSION</u>	-----
3	x	R					Clarification of expectations letter by Lebrecht, 11/18/11	
12	x	R					List of all calls for service at SV 6/16/11 - 6/15/12	
13	x	R					UOPD "21 Standards of Conduct" Policy	
14	x	R					SEIU Collective Bargaining Agreement	
19	x	R					Emails to and from Lt. Morrow	
28	x	R					Case Report 12-684 (4/1/12 - SV Apartment by Cleavenger)	
34	x	R					CAD Log of 359 "Outside Agency Assists" 8/1/10 to 8/31/12	
35	x	R					Cleavenger's original grievance form for letter of Reprimand, 6/18/12	
37	x	R					UOPD Radio Policy & Procedures	
39	x	R					ORS 165.540 (Audio Recordings -Obtaining contents...)	
42	x	R					Cleavenger's job description	
43	x	R					Weapons Policy -	

R=Received; N=Not Received; W=Withdrawn/Not Offered

(CLEAVENGER EXHIBIT LIST.wpd)

EXHIBIT AND WITNESS LIST
(Continued)

pg. 7

Case No. 6:13-1908-DOC

Title: Cleavenger v. U of O, et al.

Govt / Ptf			Def			Date	WITNESS / EXHIBIT DESCRIP	Called by
Ex. No.	ID	Ev	Ex. No.	ID	Ev			
46	x	R					Cleavenger's DPSST Training record as of 2015	
54	x	R				9/15/2015	Donna Laue's email request to Morrow to see his investigation report	
55	x	R					Emails to/from Morrow on 6/26/12 re: other traffic stops	
67	x	R					Respectful Workplace memo	
74	x	R					Map of UO campus	
80	x	R					10/2/12 Letter - Ntc of unpaid admin leave and pre-dismissal hearing	
81	x	R					Step 2 Grievance decision/denial by Smith dated 10/4/12	
82	x	R					ORS 352.385 (Special Campus Public Safety Officers)	
86	x	R					Termination letter - 10/25/12	
92	x	R					6-month "trial service appraisal" 12/7/11	
98	x	R					CAD report of felony reports per officer	
102	x	R					Arbitration panel request letter 4/8/13	
106	x	R					UODPS 2012 Annual Report and Clery Statistics	
122	x	R					Clery Act memo from Chief McDermed 11/4/13	
126	x	R					Safety escort ride document from UOPD	
130	x	R					AUDIO - Knife Incident	
131	x	R					AUDIO - Problematic call out	
132	x	R					AUDIO - Problematic call out	
135	x	R					Examples of bike stops	
139	x	R					Around the O response article by UO about the Bowl of Dicks List	
147	x	R					6/18/12 email from Wardlow, Lebrecht, McDermed discussing plan to terminate Cleavenger	
148	x	R					2011 DPSST Brady List Memo from monthly Ethics Bulletin	
149	x	R					4/23/13 UOPD Police officer job posting listing Brady list eligibility as a qualification	

R=Received; N=Not Received; W=Withdrawn/Not Offered

(CLEAVENGER EXHIBIT LIST.wpd)

EXHIBIT AND WITNESS LIST
(Continued)

pg. 8

Case No. 6:13-1908-DOC

Title: Cleavenger v. U of O, et al.

Govt / Ptf			Def			Date	WITNESS / EXHIBIT DESCRIP	Called by
Ex. No.	ID	Ev	Ex. No.	ID	Ev			
165	x	R				9/15/2015	McDermid and Moffitt email from 7/11/14 re: professionalism after media released "the list"	
183	x	R					Email from McDermid to Tripp on 5/14/12 re: plan to try to fire Cleavenger	
192	x	R					Transcript of 4/1/12 Traffic stop of law school Dean Commissiong	
193	x	R					Transcript of 6/18/12 interview of Cleavenger by Morrow	
197	x	R					New UOPD Policies #1011 and #1060	
209	x	R					3/31/14 Best Practices for Navigation Brady v. Maryland in Oregon	
210	x	R					6/30/14 Letter from Gardner to Coburg Police Chief Larson re: Brady	
224	x	R					Cleavenger's case report #12-1844 - 9/10/12	
229	x	R					4/2/12 Draft of letter of reprimand written by Cameron	
236	x	R					Termination letters of UODPS employees for theft and dishonesty	
238	x	R					Disciplinary Personnel file of Cameron	
248	x	R					Witness disqualification email sent to deputy DA on 7/3/14	
249	x	R					"Oh Gawd Again" email from DA's Office on 2/3/15	
250	x	R					1 st email from DA Gardner to UOPD re: Cleavenger's Brady response sent on 8/29/14	
251	x	R					2 nd email from DA Gardner to UOPD re: Cleavenger's Brady respond sent on 8/29/14	
252	x	R					6/25/12 Email from Morrow regarding renaming traffic stops in dispatch	
254	x	R					Response from UO re: internet use report 2 (Bechdolt?)	
260	x	R					Picture of 2015 UO cricket team	
264	x	R					2012 JCPD Time Sheets for Plaintiff	
266	x	R					7/11/14 Email chain re: Brady materials for plaintiff	
270	x	R					Map of Eugene	
271	x	R					Email from Coit to Cleavenger dated 7/8/14	

EXHIBIT AND WITNESS LIST
(Continued)

pg. 9

Case No. 6:13-1908-DOC

Title: Cleavenger v. U of O, et al.

Govt / Ptf			Def			Date	WITNESS / EXHIBIT DESCRIP	Called by
Ex. No.	ID	Ev	Ex. No.	ID	Ev			
272	x	R				9/15/2015	Email from Cleavenger to Coit dated 7/23/14	
-----	--	--	-----	--	--		JAMES CLEAVENGER (CROSS EXAM)	P
			423	x	R		Email from Cleavenger to John Ahlen 11/30/12	
			424	x	R		Audio of Cleavenger	
			387	x	R		Email from Cleavenger to Laue re: Hermens (10/1/12)	
			416	x			Audio of Cleavenger's radio communication on 10/29/11	
			425	x	R		Audio of Cleavenger "Clea-venger"	
			351	x			Exhibit I recording played - Winegarten rights	
			418	x	R		Neutral Letter of reference from Chief McDermid 7/10/14	
			325	x	R		Email exchange between McDermid and Cleavenger re: Grievance meeting - 6/14/12	
			426	x			Audio	
-----	--	--	-----	--	--	-----	MICHAEL MORROW	D
			331	x	R		Internal Affair Investigation/Audio played	
			337	x	R		Stop #2 video 4/2/12	
			332	x	R		Dean video	
							Audio exhibit 12 to 331	
							Exhibit 14 to 331	
-----	---	--	-----	---		9/16/2015	ANDREW BECHDOLT	D
			406	x	R		Amendment to Memo of Understanding between UofO and City of Eugene	
168	x	R					Email (3/10/14) from McDermid re: arbitration decision	
-----	---	--	-----	---	--	-----	PETE DESHPENDE	D
			412	x	R		Email between UOPD and general counsel re: arbitration decision	

EXHIBIT AND WITNESS LIST
(Continued)

pg. 10

Case No. 6:13-1908-DOC

Title: Cleavenger v. U of O, et al.

Govt / Ptf			Def			Date	WITNESS / EXHIBIT DESCRIP	Called by
Ex. No.	ID	Ev	Ex. No.	ID	Ev			
----	--	--	----	--	--	9/16/2015	CHRISTOPHER DAVID PHILLIPS	D
29	x	R					Case Report 12-448 (2/24/12) Hermens & Phillips at SV	
89	x						Cleavenger's Complete Field Training Evaluation Program (FTEP) DOR files	
							LINDA KING	D
			404	x			Linda King Notes from the Pre-dismissal hearing (10/12/12)	
237	x						Former Ofc Bowes' 2009 settlement agreement and termination ltr.	
274	x						Linda King Notes with extra pages which are unreadable. (#404)	
			426	x			Notes from investigation by King	
-----	---	--	-----	--	--	-----	ALEXANDER RICHARD GARDNER	D
			364	x	R		Best Practices for Navigating Brady v. Maryland	
			373	x	R		Letter from Gardner to McDermid - 6/30/14	
215	x	R					3/5/12 Email from Gardner to McDermid and all other area police chiefs	
							MARK CHASE	D
273	x						Email DA's Office (Perlow/Gardner) (June 2014) Re: Termination from JC	
-----	--	--	-----	--	--	-----	LOIS KYONO YOSHISHIGE	D
			385	x	R		Email from Cleavenger to Yoshishige and Laue re: retraining offer (7/13/12)	
			391	x	R		Email from Cleavenger to union stewards re: new job offers (10/18/12)	
						9/21/15	(Direct continued)	
			349	x	R		Email from Yoshishige to Cleavenger (8/22/2012)	
			357	x	R		Email exchange between Yoshishige and Cleavenger (10/4/12)	
112	x						Email Yoshishige and Cleavenger (6/13/12)	
-----	---	---	-----	--	--		BRIAN CAUFIELD	D

EXHIBIT AND WITNESS LIST
(Continued)

pg. 11

Case No. 6:13-1908-DOC

Title: Cleavenger v. U of O, et al.

Govt / Ptf			Def			Date	WITNESS / EXHIBIT DESCRIP	Called by
Ex. No.	ID	Ev	Ex. No.	ID	Ev			
			361	x	R	9/21/2015	Step 3 decision issued	
-----	---	--	-----	---	--	-----	BRANDON LEBRECHT	D
			420	x	R		Email from Lebrecht to Morrow (10/29/11)	
3			312	x	R		Letter of Clarification from Lebrecht to Cleavenger dated 11/18/2011	
			314	x	R		End of eval email from Lebrecht to McDermed	
			421	x	R		Email from Cameron to Lebecht (4/1/2012)	
-----	--	--	-----	--	--	-----	MICHAEL MORROW	D
			427	x	R		Email from Morrow to King Re; Cleavenger's schedule conflict claim	
279	x	R					Emails from Morrow (5/17)	
280	x	R					Emails from Morrow//Dave Corey (4/23/12)	
273	x	R					Partial text message from Morrow	
-----	--	--	-----	--	--	-----	BRANDON LEBRECHT (continued)	D
			351G				Video (gun issue)	
			351	x	R		Excerpts from the Lebrecht performance review (9/19/12)	
			351B	x	R		Video - accident	
			351H	x	R		Video - looking for cans	
			351F	x	R		Video - UIP violation	
			351C	x	R		Video - 18 th /University stop - Brown Jeep	
			351I	x	R	9/22/15	Video - w/Yoshishige	
			350	x	R		Memorandum from Lebrecht to Cleavenger re: Re-training	
			414	x	R		Log of Cleavenger Activity Reports	
276	x	R					Email between McDermed, Lebrecht, Deshpande re: Arbitration decision	
71	x						Dash cam video from 2/24/12 (Phillips & Hermens at SV)	

R=Received; N=Not Received; W=Withdrawn/Not Offered

(CLEAVENGER EXHIBIT LIST.wpd)

EXHIBIT AND WITNESS LIST
(Continued)

pg. 12

Case No. 6:13-1908-DOC

Title: Cleavenger v. U of O, et al.

Govt / Ptf			Def			Date	WITNESS / EXHIBIT DESCRIP	Called by
Ex. No.	ID	Ev	Ex. No.	ID	Ev			
-----	---	---	-----	---	---	9/22/15	NICOLE COMMISSIONG	D
-----	---	---	-----	---	---	-----	REBECCA TOBIAS reading deposition of CHELSEA BRANDENBERG	D
-----	---	---	-----	---	---	-----	SCOTT CAMERON	D
			435	x	R		Rough draft of performance appraisal (4/2/2012)	
			322	x	R		Corrected rough draft (5/31/12)	
			323	x	R		Audio of meeting w/Cleavenger (6/29/12)	
			419	x	R		Email from Lebrecht to Cameron	
-----	---	---	-----	--	--	9/23/2015	CAROLYN McDERMED	D
			413	x	R		Eugene Police report - Marc Boyd	
			410	x	R		Email - Robert Edwards re: Trespass letter to Boyd (11/15/13)	
			403	x	W		Email - Lt. Lebrecht log of items being reviewed (5/12)	
			320	x	R		Email exchange between McDermid and Tripp re: Cleavenger (5/14/12)	
			411	x	R		Email exchange Re: DPS Referral (5/18/12 and 5/19/12)	
			436	x	N		Handwritten notes taken by Carolyn McDermid	
			429	x	R		Emails from Morrow to Dr. Corey re: Fitness for Duty Evaluation	
			358	x	R		Pre-dismissal Letter	
			376	x	R		Settlement agreement	
			374	x	R		Letter from Gardner to McDermid re: Brady v. Maryland concerning Cleavenger (7/7/14)	
			375	x	R		Letter from McDermid to Gardner re: Brady v. Maryland concerning Cleavenger (7/28/14)	
			432	x	R		Per Stipulation of the parties re: Mertz	
			433	x	R		Per Stipulation of the parties re: Mertz	
			434	x	R		Per Stipulation of the parties re: Mertz	

Case No. 6:13-1908-DOC

Title: Cleavenger v. U of O, et al.

[illegible]